

TOXIC SUBSTANCES CONTROL ACT

R6-12-2-D. Administrative Enforcement: Signing Penalty
Remittance Agreements and Remittance Orders

1. AUTHORITY. To sign agreements to remit all or part of a civil administrative penalty, as authorized by Section 16(a)(2)(C) of the Toxic Substances Control Act (TSCA), if conditions cited in the remittance agreement are met by the respondent; to sign an order remitting the penalty when the Agency is satisfied that the conditions have been met; and to sign an order not remitting the penalty and declaring that payment of the penalty is due, and collecting the required payment, when the Agency determines the conditions have not been met. The authority to remit penalties with conditions is contained in Section 16(a)(2)(C) of TSCA.
2. TO WHOM DELEGATED. The Director, Compliance Assurance and Enforcement Division.
3. LIMITATIONS.
 - a. The delegatee of the Regional Administrator must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee, before exercising any of the above authorities. This is to ensure that similar settlements are applied to similar violative situations.
 - b. The Assistant Administrator for Enforcement and Compliance Assurance may exercise these authorities in multi-Regional cases or cases of national significance. In addition, the Assistant Administrator for Enforcement and Compliance Assurance must notify any affected Regional Administrators, or designees, when exercising any of the above authorities.
 - c. The Assistant Administrator for Enforcement and Compliance Assurance may waive the consultation requirement by memorandum.
4. REDELEGATION AUTHORITY. This authority may not be redelegated.
5. ADDITIONAL REFERENCES. Section 16(a)(2)(C) of TSCA, which permits the Administrator to remit penalties with conditions, and "Toxic Substances Control Act Settlement with Conditions" (November 16, 1983), which gives criteria for the use of remittance agreements, a description of the format and contents of such agreements, and a summary of the procedures for using these agreements.

Delegation of Authority from the
Regional Administrator